

**TOWN OF FREDERICK, COLORADO
ORDINANCE NO. _____**

**AN ORDINANCE OF THE TOWN OF FREDERICK COLORADO,
AMENDING THE TOWN OF FREDERICK MUNICIPAL CODE, 1992 THROUGH
ADOPTION OF REVISED TOWN UTILITY FEE COLLECTION PRACTICES;
AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.**

WHEREAS, the Board of Trustees of the Town of Frederick finds it necessary to amend the Town of Frederick Municipal Code, 1992, make the Code consistent with Town practices, repeal inapplicable and remnant provisions, and to clarify and improve public understanding of Town procedures; and

WHEREAS, the Colorado Revised Statutes grant broad discretion to municipalities for development of water service systems and collection of associated fees under CRS §§ 31-15-708 and § 31-35-402; and

WHEREAS, municipal water services ultimately benefit properties and their owners, rather than just those occupying a residence on a property; therefore, the Town has recognized the obligation for paying these amounts properly lies with the benefited properties/owners, not just those in possession under a lease or otherwise using such services.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF
FREDERICK, COLORADO, AS FOLLOWS:**

Section 1. Subsection (d) of Section 13-74 (Water service charges) of the Frederick Municipal Code, 1992 is hereby repealed in its entirety, and readopted to read as follows:

“Sec. 13-74 Water service charges.

...

(d) Process for water service billing and payment of water service charges. Water meter reading shall be completed the last week of every month. Water usage bills shall be mailed to the record property owner on the first of every month. If the first of the month is on a Saturday, Sunday or Town-observed holiday, the water usage bill shall be mailed the next business day. All water usage bills shall be due and payable on or before the fifteenth of the month billed. If the water usage bill is not paid in full by the twentieth of the billed month, or the next business day if such date falls on a Saturday, Sunday or Town-observed holiday, a written late notice as required by law will be sent. The late notice due date shall be the first Tuesday of the month following the date of the late notice. Failure to pay any amount thirty (30) days or more past due by noon on the late notice due date will result in water service being turned off. If such date falls on a Town-observed holiday, the water shall be turned off the next business day. If payment of past due amounts, along with service restoration charges, are received in full by noon on a regular business day, water service will be restored no later than the next business day.”

DRAFT 3/16/2010

Section 3. Effective date. This ordinance shall be published and become effective as provided by law.

Section 4. Severability. If any part, section, subsection, sentence, clause, or phrase of this ordinance is for any reason held invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, sections, subsections, sentences, clauses, or phrases be declared invalid.

Section 5. Repealer. All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof in conflict with this ordinance are, to the extent of such conflict, hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution, or motion thereby.

INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED
THIS _____ DAY OF _____, 2010.

ATTEST:

TOWN OF FREDERICK

By _____
Nanette S. Fornof, Town Clerk

Eric E. Doering, Mayor